

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:13CR293 RAS/DDB
	§	
JULIO JACOB VASQUEZ (3)	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on May 22, 2015 to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Camelia Lopez.

On October 10, 2014, Defendant was sentenced by the Honorable Richard A. Schell, United States District Judge, to a sentence of 13 months imprisonment followed by a 3-year term of supervised release for the offense of Conspiracy to Possess Stolen Mail. Defendant began his term of supervision on December 10, 2014.

On March 23, 2015, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt.140). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall refrain from any unlawful use of a controlled substance; (3) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia related to any controlled substances, except as prescribed by a physician; (4) Defendant shall refrain from the consumption of alcohol; (5) Defendant shall report to the probation officer and shall submit a truthful and complete written

report within the first five days of each month; (6) Defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer; (7) Defendant shall pay a \$100 special assessment and restitution in the amount of \$5,714.61, on a monthly basis at the rate of at least 10% of his monthly gross income; (8) Defendant shall participate in a program of testing and treatment for drug and alcohol abuse, under the guidance and direction of the U.S. Probation Office, until such time as Defendant is released from the program by the probation officer. Defendant shall pay any cost associated with treatment and testing.

The Petition alleges that Defendant committed the following violations: (1) On February 21, 2015, Defendant was arrested by the Mesquite, Texas, Police Department for the offense of Theft, over \$50, less than \$500. According to the offense report, Defendant attempted to return merchandise for which he had no receipt, and then left the store without paying for two pool pumps valued at approximately \$338. Defendant was booked into the Dallas County Jail and was released on bond on February 22, 2015; (2) During an office visit on December 11, 2014, Defendant admitted verbally and in writing to using cocaine on December 10, 2014. Additionally, Defendant submitted urine specimens that tested positive for cocaine on January 12 and 27; February 12 and 17, 2015. Defendant either admitted usage and/or the specimens were confirmed positive by Alere Laboratories, Inc.; (3) During an office visit on December 11, 2014, Defendant admitted to consuming alcohol on December 10, 2014; (4) On January 21, 2015, and February 26, 2015, Defendant failed to report for scheduled office visits at the U.S. Probation Office. He also failed to submit a written monthly report for the months of January and February 2015; (5) Defendant failed to notify the probation officer of his arrest by Mesquite, Texas, Police Department on February 21, 2015; (6) A payment schedule was executed on January 12, 2015, wherein Defendant agreed to make

payments of at least \$50 per month beginning on February 1, 2015. Defendant has not made any payments toward the special assessment and restitution balances; and (7) Defendant failed to attend substance abuse treatment sessions at Pillar Counseling in Plano, Texas, on January 13, and 23; and March 3, 2015.

At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the May 22, 2015 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of ten (10) months, with no supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in FCI Bastrop, if appropriate.

SIGNED this 8th day of June, 2015.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE